



February 2010

Volume 2, Issue 2



For some, the month of March in Kentucky means the end of college basketball. For others, it may signal the beginning of spring with the fragrance of fresh blooms in the air. As I reflect on my memories of both basketball and spring, I seem to recall one person who supported everything I have done in my life and that is my mother. March is Women's History Month, a time to reflect on the many contributions of women in the workplace as well as in the home. I am very proud of the women in my life from my mother, wife, co-workers, family and friends. This edition of the Evolution is dedicated to Women's History Month and we all hope you will enjoy seeing interesting facts about the women in all our lives.

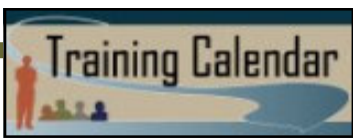
The U.S. Census Bureau published a number of facts related to this month and a few of the highlights are listed.

- 155.8 million Is the number of females in the U.S. as of October, 2009, the number of men is 151.8.
- \$35,745 Is the median annual earnings of women 15 or older who worked year round, full time in 2008.
- 29.4 million Is the number of women 25 or older with a bachelor's degree or more education in 2008, higher than the number of men, 28.4 million.
- 55% is the percentage of college students who are women.
- 38% is the percentage of women 16 or older who work in management, professional and related occupations compared with 32% of men.
- 3.1 million is the number of girls who participated in high school athletic programs in the 2007-08 school year.

As you can see, the roles of women are evolving. We as a Commonwealth need to be sure to work to capitalize on the strengths of women in our workforce. We have more gains to make to increase our female utilization to our goal of 52.42%, but I am sure that with your help, we can continue to make strides in the right direction.

I will end this message with a "shout out" to Mom, my wife, my family and on behalf of all the men and women in state government, another "shout out", to all the women in our Kentucky state government family.

Regards,
Singer Buchanan
State EEO Coordinator



For the 2010 Calendar Year the Office of Diversity & Equality will be providing the following training opportunities for Anti-Harassment and Diversity. To register contact Singer Buchanan at Singer.Buchanan@ky.gov.

| Date | Audience | Title | (GSC) Room | Time |
|----------|-----------------|-----------------|------------|-------------|
| 03/17/10 | State Employees | Anti-Harassment | 539 | 9am - 12 pm |
| | State Employees | Diversity | 539 | 1pm - 4 pm |
| 04/14/10 | State Employees | Anti-Harassment | 542 | 9am - 12 pm |
| | State Employees | Diversity | 542 | 1pm - 4 pm |
| 05/19/10 | State Employees | Anti-Harassment | 539 | 9am - 12 pm |
| | State Employees | Diversity | 539 | 1pm - 4 pm |
| 06/16/10 | State Employees | Anti-Harassment | 539 | 9am - 12 pm |
| | State Employees | Diversity | 539 | 1pm - 4 pm |
| 07/21/10 | State Employees | Anti-Harassment | 539 | 9am - 12 pm |
| | State Employees | Diversity | 539 | 1pm - 4 pm |
| 08/18/10 | State Employees | Anti-Harassment | 539 | 9am - 12 pm |
| | State Employees | Diversity | 539 | 1pm - 4 pm |
| 09/08/10 | State Employees | Anti-Harassment | 539 | 9am - 12 pm |
| | State Employees | Diversity | 539 | 1pm - 4 pm |
| 10/20/10 | State Employees | Anti-Harassment | 539 | 9am - 12 pm |
| | State Employees | Diversity | 539 | 1pm - 4 pm |
| 11/10/10 | State Employees | Anti-Harassment | 539 | 9am - 12 pm |
| | State Employees | Diversity | 539 | 1pm - 4 pm |





Supervisor's Actions Didn't Amount to Severe and Pervasive Harassment

From HRLaws.com, posted February 1, 2010

Richard S. Cleary, Editor

The Kentucky Court of Appeals recently addressed the issue of whether a supervisor's offensive comments to an employee over a two-week period created a hostile work environment under Title VII of the Civil Rights Act of 1964 and the Kentucky Civil Rights Act (KCRA). The court also examined whether the employee's firing shortly after she complained about sexual harassment constituted retaliation. The court held that the supervisor's comments weren't severe and pervasive enough to create a hostile work environment and the employee was terminated for a legitimate nondiscriminatory reason. Let's take a closer look at the case.

Facts

Terra Becker was hired by Campbellsville Memorial Gardens in April 2007 to provide office assistance and make telemarketing phone calls to potential customers. In October, Charles Gernheuser was hired as the sales manager at Memorial Gardens.

According to the evidence, during a two-week period, Gernheuser made unwanted sexual comments to Becker and other female employees. For instance, he told Becker that it would be nice if she was wearing a bikini, that she was beautiful, that he wished he was younger and she was older, and that she had a "nice ass." He also touched her back near her shoulder. However, he never explicitly propositioned her, requested sexual favors, asked her out, or threatened her.

On November 2, 11 days after Gernheuser started working in the Campbellsville office, Becker reported his conduct to the administrator, Shellie Mattingly, who assured her that she would immediately address the situation. Becker also described an incident involving Gernheuser's use of profanity toward the female sales counselors. Mattingly informed management about the incident and Gernheuser's comments to Becker.

Three days later, Gernheuser was demoted and transferred to another location. Mark Goodsir replaced him as the new sales manager. He met with Becker and expressed sympathy about her dealings with Gernheuser.

Despite his departure, Gernheuser called Becker twice. At some point, he called the office while Goodsir was present, and the new sales manager instructed him not to speak with any of the staff again. Thereafter, Gernheuser stopped calling.

On November 12, Goodsir stayed late to observe Becker's work because the sales counselors had complained to him about her performance in generating sales appointments. He concluded that she made too many personal calls and not enough sales calls. He then decided that the office needed a full-time telemarketer and discharged Becker on November 13.

In January 2008, Becker filed a lawsuit alleging hostile work environment, sexual harassment, and retaliation. Her claims were dismissed without a trial based on evidence presented to the court. She appealed that decision to the Kentucky Court of Appeals.

Court's decision

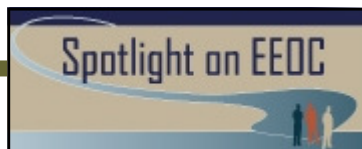
The court of appeals found that Becker's hostile work environment claim failed because her exposure to Gernheuser's inappropriate statements and conduct was limited. She had interacted with him in person no more than six times. No inappropriate touching occurred, and no overt threats of violence or demands for sexual favors were made. The inappropriate behavior identified by Becker, when viewed in its totality, simply didn't rise to the required level, and Gernheuser's actions didn't constitute severe and pervasive harassment.

The court also found that the company wasn't liable for Gernheuser's inappropriate conduct because it had implemented a sexual harassment policy that outlined a specific complaint procedure. That procedure directed employees to notify either a supervisor, a manager, or the company president and to call HR to report sexual harassment. Becker didn't comply with the policy, and the company acted immediately to remedy the situation once it was reported. It removed Gernheuser from the Campbellsville location on the day it became aware of his inappropriate conduct.

Furthermore, the court found that Becker wasn't subjected to retaliation because there was no evidence to suggest that the company's legitimate nondiscriminatory reason for discharging her was mere pretext, or false. Instead, the record established that the office was in need of a full-time telemarketer. Also, other female sales counselors had complained about Gernheuser's conduct and weren't terminated or disciplined. *Becker v. Saber Mgmt.-Ky., LLC*, No. 2009-CA-000089-MR, 2009 WL 4060859 (Ky. Ct. App., 2009).

Bottom line

This case reaffirms the importance of having a written harassment policy in place and acting promptly to remedy misconduct after it's reported. It also shows that you can protect your company against liability by basing your termination decisions on legitimate nondiscriminatory reasons.



Landwin Management to Pay \$500,000 for National Origin Bias and Sexual Harassment

EEOC Said Hotel Refused to Hire Non-Chinese Banquet Servers and Subjected Women to Verbal Abuse

<http://www.eeoc.gov/eeoc/newsroom/release/2-3-10c.cfm>

Big Lots to Pay \$400,000 for Race Harassment

EEOC Alleged Black Employees Were Subjected to Racial Jokes and Slurs By a Hispanic Supervisor and Co-Workers

<http://www.eeoc.gov/eeoc/newsroom/release/2-16-10.cfm>

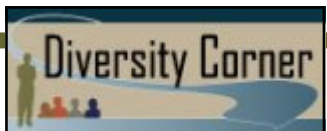
EEOC Sues Pinnacle Amusements for Racial Harassment

Party Rental Company Subjected Black Employees to Racial Slurs, Federal Agency Charges

<http://www.eeoc.gov/eeoc/newsroom/release/2-22-10.cfm>

UPS Freight to Pay \$46,000 to Settle EEOC Religious Discrimination Lawsuit *Transport Company Fired Rastafarian Employee Because of His Religion-Required Dreadlocks and Beard, Federal Agency Charges*

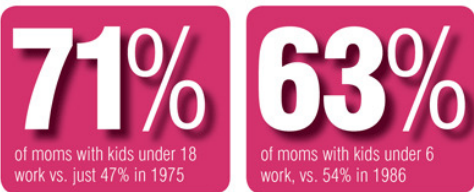
<http://www.eeoc.gov/eeoc/newsroom/release/2-17-10.cfm>



Women's History Month March 2010

To raise awareness during Women's History Month,
below are some statistic on women and the workforce from DiversityInc.com

MOTHERHOOD AND WORK



Source: National Organization for Women

Women in Middle Management

Top 10 Executive Women **39%**
DiversityInc Top 50 **30%**

Promotions in Management to Women

Top 10 Executive Women **55%**
DiversityInc Top 50 **47%**

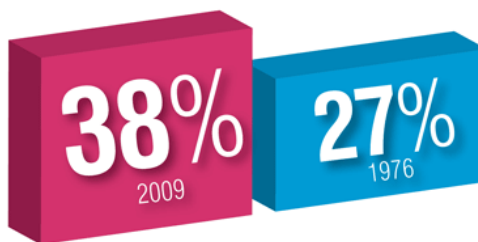
EDUCATION AND EMPLOYMENT

Rise in number of 4-year degrees, 1960-2009



Source: Women's Research and Education Institute

NUMBER OF SELF-EMPLOYED WOMEN



Source: Bureau of Labor Statistics

WOMEN AND THE FORTUNE 500



They are, including DiversityInc Top 50 rank

Indra Nooyi | PepsiCo | No. 28

Anne Mulcahy | Xerox Corp. | No. 30

Angela Braley | WellPoint | No. 42

Irene Rosenfeld | Kraft Foods, one
of DiversityInc's 25 Noteworthy
Companies

Patricia Woertz | Archer Daniels
Midland

Carol Meyrowitz | TJX

Mary Sammons | Rite Aid

Brenda Barnes | Sara Lee

Andrea Jung | Avon Products

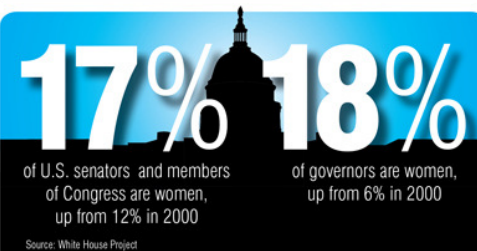
Susan Ivey | Reynolds American

Paula Rosput Reynolds | Safeco

Christina Gold | Western Union

Source: Fortune

WOMEN IN POLITICS



Source: White House Project

WOMEN-OWNED BUSINESSES

The number of women-owned businesses grew



Source: U.S. Women's Chamber of Commerce

In the Fortune 500

20%
of the highest-paid employees
are women

Source: Fortune

14.7%
of board members are women,
up from 11.7% in 2000

Source: Catalyst

15.6%
of corporate officers are women,
up from 12.5% in 2000

Source: Catalyst

In the DiversityInc Top 50 Companies for Diversity®

33%
of the top 10% highest-paid
employees are women

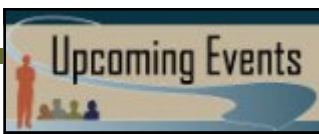
23%
of board members
are women

24%
of women are senior managers

For more information on
Women's History Month 2010 please visit:

National Women's History Project
<http://www.nwhp.org/>

Smithsonian Institute
http://www.smithsonianeducation.org/heritage_month/whm/index.html



2010 Kentucky Women Remembered and Recognition of Women's History Month

Tuesday, March 16, 2010

1:00 PM

Capitol Rotunda
Frankfort, Kentucky

Honorees

Dr. Grace Marilynn James (posthumously)

Lillian Press

Verna Mae Slone (posthumously)

Hosted by Governor & Mrs. Beshear and
The Kentucky Commission on Women



ODE Staff Members Colene Elridge (left) and Clint Morris (right) had a chance to meet Lily Ledbetter (middle) at a luncheon celebrating the one year anniversary of the passage of the Lily Ledbetter Fair Pay Act in New Orleans, Louisiana.

Colene remarked, "Ms. Ledbetter was a great reminder of why I come to work each day to help ensure equality for employees of the Commonwealth."

Clint observed, "Her story illustrates the problem and her actions demonstrate a solution! It was inspiring to hear of Ms. Ledbetter's fight for what is right! We must all be as diligent as Lily in protecting the rights of women and minorities in the workplace."



GMMTP Spotlight

Throughout 2010, ODE will be spotlighting current members of the Governor's Minority Management Trainee Program. We appreciate your continued support of these individuals during their journey to become the "leaders they were meant to be."



Marietta W. Thompson

Position: Personnel Program Analyst

Cabinet/ Agency: Personnel, Personnel Administration

Length of Service: 2 Years

Educational Background: B.A. Political Science/A.A. Paralegal Studies, University of Louisville; M.A. Webster University

Community Involvement: Parent volunteer with Black Achievers for Law and Government Cluster, volunteer

with local community organizations such as Wayside Mission. Co-coordinator of 1st annual Oldham County Community Thanksgiving Dinner, member of community action champions committee

Professional Strengths: Educator (adjunct instructor), Resume writing, and Career planning. Affiliations include: National Member of Society for Human Resource Management (SHRM), International Public Management Association for Human Resources (IPMA), Certification as Certified Staffing Professional (CSP) *currently studying for Professional Human Resource Certification (PHR)

Moto: "Don't ever let someone tell you, you can't do something. Not even me." - scene from *Pursuit of Happyness*



George S. Scott

Position: Youth Service Program Supervisor

Cabinet: Justice and Public Safety

Agency: The Department of Juvenile Justice (Audubon Youth Development Center)

Length of Service: 10 Years

Educational Background: Associates of Applied Management in Criminal Justice, Brown Mackie College; B.A in Business Management, Ottawa University

Community Involvement: The Power of One Member, Summer Youth Organizer, Little League Basketball Coach, Citizenship Project Organizer

Professional Strengths: Trainer, Career Development, Organizational Problem Solving.

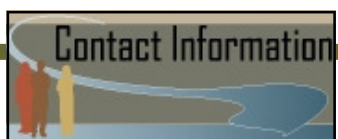
Moto: "We change the world not by what we say or do, but as a consequence of what we have become." -David R. Hawkins:



*"We hold these truths to be self-evident, that
all men and women are created equal."*

-Elizabeth Cady Stanton

Declaration of Sentiments
First Women's Rights Convention
Seneca Falls, NY
July 19-20, 1848



Office of Diversity and Equality

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Frankfort, KY 40601

Arthur Lucas, Executive Director
Singer Buchanan, State EEO Coordinator
Colene Elridge, HR Specialist III
Clinton Morris, Executive Assistant

502-564-8000

<http://personnel.ky.gov/diversity>